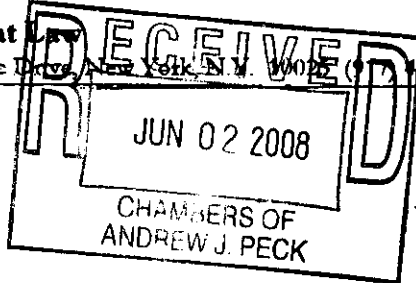


**Tembani S. Xaba**

Attorney at Law  
227 Riverside Drive, New York, N.Y. 10022 (212) 432-9226

tembani@earthlink.net



June 2, 2008

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#

DATE FILED: 6/13/08

By Facsimile

The Honorable Andrew J. Peck  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1370  
New York, New York 10007

Re: Anderson v. The State of New York, et al., 07 Civ. 9599 (SAS)

Dear Judge Peck:

I write on behalf of the plaintiff in the above-referenced action to request an adjournment of the discovery conference scheduled for tomorrow, June 3, 2008 at 4:00 p.m. I am advised that Plaintiff is in the process of retaining new counsel, and as a result, new counsel will need time to get up to speed on the case.

I have contacted opposing counsel on plaintiff's behalf, and they have no objection to this request for an adjournment.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Xaba".

Tembani S. Xaba

cc: Hon. Shira A. Scheindlin (via facsimile at 212-805-7920)  
Wesley E. Bauman, Esq. (via facsimile at 212-416-4009)

**MEMO ENDORSED**

6/2/08. I saw the fax and I did not  
plaintiff's discovery requests. It appears to be  
dispute to the request. However, plaintiff cannot stop  
the still part of the case and not be interested! Plaintiff should  
submit any facts who she is ready.

**BY FAX**

SO ORDERED:

A handwritten signature in cursive script, appearing to read "Andrew Jay Peck".  
Hon. Andrew Jay Peck  
United States Magistrate Judge

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** June 3, 2008

**Total Number of Pages:** 2

TO	FAX NUMBER
Tembani Selepi Xaba, Esq.	212-222-2074
Lee Alan Adlerstein, Esq.	212-416-6009
Wesley Eugene Bauman, Esq.	212-416-6075

## **TRANSCRIPTION:**

### **MEMO ENDORSED 6/3/08**

1. Since the conf. was to deal with plaintiff's discovery application, the adjournment is **GRANTED** despite the late request. However, plaintiff is warned that the 8/11 fact cutoff will not be extended!
2. Plaintiff should seek a new conf. date when she is ready.

**Copy to:** Judge Shira A. Scheindlin